

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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| In re Terrorist Attacks on September 11, 2001 | 03 MDL 1570 (GBD)(SN) |
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This document relates to:

Estate of John P. O'Neill, Sr., et al. v. The Republic of Iraq et. al., 1:04-cv-01076 (GBD)(SN)
Estate of John P. O'Neill, Sr., et al. v. Al Baraka Investment and Development Corporation, et. al., 1:04-cv-01923 (GBD)(SN)
Paul Asaro, et al. v. Islamic Republic of Iran, No. 1:20-cv-10460 (GBD)(SN)

**DECLARATION OF JERRY S. GOLDMAN, ESQ., IN SUPPORT OF MOVING
PLAINTIFF'S MOTION FOR AN ORDER TO DISMISS PURSUANT TO FED. R. CIV.
P. 41(A)(2) AND MOTION TO VACATE A JUDGMENT PURSUANT TO FED. R. CIV.
P. 60(B)(6)**

JERRY S. GOLDMAN, Esq., hereby declares under penalty of perjury, as provided for by 28 U.S.C. § 1746, as follows:

1. I am an attorney representing Plaintiff Jamal Green ("Plaintiff") in the above-captioned litigation, and I submit this declaration in support of the Motion for an Order to Dismiss pursuant to Fed. R. Civ. P. 41(a)(2) and Vacate the Judgment pursuant to Fed. R. Civ. P. 60(b)(6).

2. Plaintiff is on the complaint filed in *Paul Asaro, et al. v. Islamic Republic of Iran*, No. 1:20-cv-10460 (GBD)(SN) on December 10, 2020 at ECF No. 1. The complaint states that Plaintiff's claim is in the capacity as surviving child of 9/11 decedent Antoinette Sherman, who was killed at the Pentagon during the September 11, 2001 terrorist attacks. The summons and complaint were duly served, Iran failed to answer, and the Clerk issued a Certificate of Default on July 20, 2021. ECF No. 6972.

3. Plaintiff filed a Motion for a Judgment as to Liability and for a Partial Final Judgment for Damages against the Islamic Republic of Iran on November 12, 2021. ECF No. 7329. The Court awarded Plaintiff a liability and damages judgment on January 4, 2022. *See*

ECF No. 7522 at p. 37, line 57. An application, with the judgment for damages and proof that service of the judgment upon Iran was commenced, was timely filed with the U.S. Victims of State Sponsored Terrorism (“VSST”) Fund.

4. Thereafter, the VSST Fund awarded Plaintiff \$5,322.86 during the fourth-round distribution. Plaintiff Jamal Green received \$4,524.43 (his gross award minus 15% attorneys’ fees of \$798.43) on February 10, 2023.

5. Plaintiff is on the Fifth Amended First Consolidated Complaint filed in *Estate of John P. O’Neill, Sr., et al. v. The Republic of Iraq et. al.*, 1:04-cv-01076 (GBD)(SN) against the Taliban filed on November 3, 2022. ECF No. 8702. Pursuant to the Court’s November 23, 2022 Order, a liability judgment against the Taliban was extended to Plaintiff. ECF No. 8770. On August 25, 2022, Plaintiff filed a motion for a damages judgment against the Taliban, ECF No. 8455, which is pending with the Court.

6. On April 19, 2023, Plaintiff filed a Notice to Conform to the Sudan Consolidated Amended Complaint in *Estate of John P. O’Neill, Sr., et al. v. The Republic of Iraq et. al.*, 1:04-cv-01076 (GBD)(SN). ECF No. 9029.

7. On August 10, 2023, Plaintiff filed a Notice to Conform to the Consolidated Amended Complaint against Saudi Arabia in *Estate of John P. O’Neill, Sr., et al. v. The Republic of Iraq et. al.*, 1:04-cv-01076 (GBD)(SN). ECF No. 9277.

8. Plaintiff is on the Amended Consolidated Complaint in *Estate of John P. O’Neill, Sr., et al. v. Al Baraka Investment and Development Corporation, et. al.*, 1:04-cv-01923 (GBD)(SN) that was filed on March 20, 2024. ECF No. 9655.

9. Plaintiff is not an eligible claimant or plaintiff in these matters despite his status as, upon information and belief, a foster child of Antoinette Sherman at the time of her death and her intent to formally adopt Plaintiff, who was only 10 years old at the time.

10. Plaintiff has returned his net VSST Fund fourth-round award of \$4,524.43 to an escrow account in undersigned counsel's name pending a decision on this motion.

11. Plaintiff respectfully requests that this Court issue an Order dismissing without prejudice only this Plaintiff's claims in *Estate of John P. O'Neill, Sr., et al. v. The Republic of Iraq et. al.*, 1:04-cv-01076 (GBD)(SN), *Estate of John P. O'Neill, Sr., et al. v. Al Baraka Investment and Development Corporation, et al.*, 1:04-cv-01923 (GBD)(SN), and *Paul Asaro, et al. v. Islamic Republic of Iran*, No. 1:20-cv-10460 (GBD)(SN), and vacate the subsequent judgment entered in Plaintiff's favor at ECF No. 7522 at p. 37, line 57. Plaintiff respectfully submits that undersigned counsel will return all funds distributed by the VSST Fund to plaintiff, including attorneys' fees, to the VSST Fund and withdraw his application for benefits upon issuance of an Order from this Court.

Dated: New York, New York
December 10, 2024

/s/ Jerry S. Goldman

Jerry S. Goldman, Esq.